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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,578	11/03/2000	Valentin Panayotov	LUC-731US	6661
47384	7590	09/19/2005	EXAMINER	
RYAN, MASON & LEWIS, LLP 90 FOREST AVENUE LOCUST VALLEY, NY 11560			TANG, KAREN C	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/705,578

Applicant(s)

PANAYOTOV, VALENTIN

Examiner

Karen C. Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/3/00</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- This action is responsive to the amendment and remarks file on 7/01/2005.
- Claims 1, 3, and 7 has noted been amended, and 1-10 are presented for examination.
- The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Creemer et al hereinafter Creemer (US 6, 6717,000) in view Wu et al, hereinafter Wu (US 6,633,924)

1. Referring to Claims 1, 2, 3, and 7, Creemer discloses a computing system (50, refer to Fig 2) for exchanging data (refer to Col 1, Lines 50-55) between a first computer application of the system and second computer application (Col 7) of the system comprising: a computer application data file (appointment books applications inherently

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consists data files, refer to Col 2, Lines 1-5) for receiving data from the first computer application (refer to Col 3, Lines 20-45), application data file has received data from the first computer application (refer to Col 2, Lines 15-18); Creemer discloses the second computer (palmtop, refer to Col 2, Lines 15-25) to response to its request for information. Creemer discloses the conduits initiate the transfer information request (refer to Col 3, Lines 1-20). Creemer also indicates when the system read the information on another computer (1225, refer to Fig 12 and display information for the user, refer to Col 6, Lines 28-45). Creemer discloses the two ways communication between systems (refer to Col 6, Lines 10-30) and synchronization between two system (refer to Fig 8, Examiner interprets synchronization and two way communication as indication for information to travel bi-directional), Creemer indicates monitoring another system by discover the different data in another computer's database (1240, refer to Fig 12). Creemer discloses writing data of the second computer application to a second computer application data file (refer to Col 5, Lines 40-51); Creemer discloses writing data of the first computer application to a first computer application data file. (Host computer (first computer application) synchronized with the second computer (palmtop database) database, in another word, the first computer writes data onto its application by synchronization, refer to Col 7, Lines 45-67) Creemer further replace, process, compute, or display (write, refer to Col 4, Lines 55-67) data files (it is inherent that the database consists numerous data files, 1250, refer to Fig 12)

Creemer does not expressly disclose the computer systems receive notification and

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Wu indicates the handles (notification) is received to computer system when 1) data has been changed for since last synchronization (Examiner interprets the modification as read/write function within computer system, refer to abstract and Col 11, Lines 15-35). 2) if there is no current communication are established. 3) when synchronization has been completed (monitoring, and received data, refer to Col 10, Lines 8-21). 4) whenever the communication has been established between the computer systems (refer to Col 11, Lines 15-35 and Col 13, Lines 5-10).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Creemer and Wu's invention. The suggestion/motivation for doing so would have been that Creemer indicates the flow charts of how system determine the communication established between two computer systems. (refer to Fig 10). The flows charts demonstrate the system is monitoring when another system gain access (1030, read files, refer to Fig 10) across the communication link, and how the synchronization occurs by updating the records when discover the differences in the database (refer to 1035, Fig 10). Since Creemer discloses the computer system is bi-directional (refer to Col 7, Lines 1-67 and Fig 8), it is obvious that the notification request can occur in the second computer as well. By providing the notification, it is to ensure the system has complete certain functionality.

2. Referring to Claims 4 and 8, Creemer discloses: initializing (established communication – 1210, refer to Fig 12 and Col 3, Lines 1-20) the contents of the first computer application read (1225, refer to Fig 12) and send files prior to data exchange

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(1230, 1235 and 1240, refer to Fig 12) to enable overwriting of any content therein

(1250, refer to Fig 12).

3. Referring to Claims 5 and 9, Creemer discloses wherein the computer system is a network computer system (Examiner interprets the network computer system as at least two computer connected together, refer to Fig 2 and Col 5, Lines 5-40).

4. Referring to Claims 6 and 10, Creemer discloses wherein the computer system (100, handheld computer, refer to Fig 2) is a stand-alone computer system.

Response to Arguments

Applicant's arguments filed 7/01/05, have been fully considered but they are not persuasive.

1) In the remark, the applicant argued (1) that Neither Creemer nor Wu teaches to teach or suggest application programs reading from or writing to at least a computer application data file, a computer application send file and a computer application read file. (2) No motivation or suggestion to combine.

2) Examiner respectfully traverse the argument: (1) Creemer teaches teach or suggest application programs (calendar database, refer to Col 7, Lines 15-45) reading from or writing to at least a computer application data file (records, refer to Col 7, Lines 15-45), a computer application send file and a computer application read file (palm top protocol

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computer 100, can receive and sent information, refer to Col 5, and another computer system, host computer system, 56, Col 6 and 7, which synchronization occurs in parallel, which indicate the host computer's application program has been updated as well.). (2) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Examiner indicates that At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Creemer and Wu's invention. The suggestion/motivation for doing so would have been that Creemer indicates the flow charts of how system determine the communication established between two computer systems. (refer to Fig 10). The flows charts demonstrate the system is monitoring when another system gain access (1030, read files, refer to Fig 10) across the communication link, and how the synchronization occurs by updating the records when discover the differences in the database (refer to 1035, Fig 10). Since Creemer discloses the computer system is bi-directional (refer to Col 7, Lines 1-67 and Fig 8), it is obvious that the notification request can occur in the second computer as well. By providing the notification, it is to ensure the system has complete certain functionality.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Karen Tang

9/03/05


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER